

**IN THE UNITED STATES DISTRICT  
COURT FOR THE EASTERN DISTRICT  
OF TENNESSEE AT CHATTANOOGA**

<b>JOHN DOE, A MINOR, THROUGH HIS PARENT AND GUARDIAN, MARY DOE, and MARY DOE, individually.</b>	)	Case No. 1:25-cv-00011
	)	Judge McDonough
	)	<b>JURY DEMANDED</b>
	)	
<i>Plaintiff</i>	)	
	)	
<b>v.</b>	)	
	)	
<b>PREP PUBLIC SCHOOLS, f/k/a CHATTANOOGA PREP, INC.</b>	)	
	)	
<i>Defendant.</i>	)	

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**PLAINTIFF'S UNOPPOSED MOTION TO SUBSTITUTE  
THIRD AMENDED COMPLAINT**

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**COMES** the Plaintiff, John Doe, by and through counsel, and moves this Honorable Court for permission to substitute the correct *Third* Amended Complaint for the mistakenly filed *Second* Amended Complaint (D.E. 13). He shows:

1. On March 30, 2025, Plaintiff moved without opposition for leave to amend the live Complaint, exhibiting the proposed amended complaint to the motion. (D.E. 10, 10-1). The Court granted leave to file the amended complaint. (D.E. 12).
2. Unfortunately, Plaintiff's counsel mistakenly referred in the motion and in the proposed amended Complaint to the amendment as being the “*Second*” Amended Complaint when, in fact, it would be the “*Third*.<sup>1</sup>” (*Id.*) Once the Court granted the motion, Plaintiff’s office *refiled* the

*Second* Amended Complaint rather than what should have been the *Third* Amended Complaint. (D.E. 13, D.E. 8).

3. Having just caught the error, Plaintiff's counsel advised Defendant's counsel today, who kindly agreed that the attached *Third* Amended Complaint should be filed. The case has been settled but references should be made to the correctly filed *Third* Amended Complaint. Accordingly, this motion is not opposed and, for these reasons, Plaintiff moves to file the correct *Third Amended Complaint* or to substitute it for the errantly filed *Second* Amended Complaint.

Respectfully submitted,

/s Justin S. Gilbert  
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**CERTIFICATE OF SERVICE**

I, the undersigned, do hereby certify that on May 21, 2025, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt including defense counsel, Ms. Caitlin Burchette.

*/s Justin S. Gilbert*

JUSTIN S. GILBERT

**CERTIFICATE OF CONSULTATION**

This motion is not opposed, as Plaintiff's counsel, Justin Gilbert, conferred and explained the error to Defendant's counsel, Ms. Caitlin Burchette, earlier today, May 21, 2025.

*/s Justin S. Gilbert*

JUSTIN S. GILBERT